

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ADAM VIDONI,)	
)	
Plaintiffs,)	Case No. 1:11-cv-00448-NT
)	
v.)	
)	
THE ACADIA CORPORATION,)	
)	
Defendants.)	

DEFENDANT'S SUPPLEMENTAL MEMORANDUM
OF LAW IN SUPPORT OF ITS MOTION TO DISMISS

Defendant supplements its Motion to Dismiss and incorporated memorandum by calling this Court's attention to the April 18, 2012 decision of the 7th Circuit Court of Appeals in *Van Straaten v. Shell Oil Products*, 2012 WL 1340111. That decision arises out of a FACTA claim and specifically addresses the concept that willfulness is an issue of law to be decided by the Court. A copy of the *Van Straaten* decision is attached.

Dated at Bangor, Maine, this 27th day of April, 2012.

DEFENDANT, The Acadia Corporation,

BY /s/ Bernard J. Kubetz
Bernard J. Kubetz, Esq.
Eaton Peabody
80 Exchange Street
P. O. Box 1210
Bangor, Maine 04402-1210
207-947-0111
Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2012, I electronically filed the foregoing Reply Memorandum in Support of Motion to Dismiss with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Gary F. Lynch, Esq. (glynch@carlsonlynch.com)
R. Bruce Carlson, Esq. (bcarlson@carlsonlynch.com)
CARLSON LYNCH LTD.
P. O. Box 7635
New Castle, PA 16107
724-656-1555

John J. Edson, Esq. (lesterlaw@comcast.net)
400 Broad Street, Suite 2001
Sewickley, PA 15143
412-741-1445

Steven J. Mogul, Esq. (mogul@grossminsky.com)
GROSS, MINSKY & MOGUL, P.A.
P. O. Box 917
Bangor, ME 04402-0917
207-942-4644

/s/ Bernard J. Kubetz
Bernard J. Kubetz